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| 10/567,750 | 02/10/2006 | Peter Lisec | 4301-1154 | 5637 |
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| YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202 | | | EXAMINER NGUYEN, PHONG H | |
| | | | ART UNIT 3724 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/567,750

Applicant(s)

LISEC, PETER

Examiner

Phong H. Nguyen

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 15-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/08/2006</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the Search Report is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609.04(a), subsection I. states, "the list ... must be submitted on a separate paper." Therefore, the references cited in the Search Report have not been considered. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a).
2. The information disclosure statement filed 02/10/2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all

other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

The Applicant is requested to send copies of foreign patents and other documents cited in the IDS dated 02/10/2006 so that the Examiner can thoroughly examine the claimed invention.

Specification

3. The abstract of the disclosure is objected to because it contains more than 150 words. Correction is required. See MPEP § 608.01(b).

Claim Objections

4. Claims 15, 16, 18-20, 25 and 27 are objected to because of the following informalities:

Claim 15, line 2, "the glass plate" should be likely --a glass plate--. Appropriate correction is required.

Claim 16, lines 1-3, "the guide rail (12)" and "the support (3)" should be likely --the guides (12)-- and --the top (3)--.

Claims 18-20, "the continuous conveyor elements (12)" should be likely --the continuous conveyor elements (15)--; and "toothed belts (12) should be likely --toothed belts (15)--.

Claim 25, lines 2 and 3, "the continuous element (12)" should be likely --the continuous conveyor element (15)--.

Claim 25, lines 1 and 2, "the drive rolls (17) and the deflection rolls (16)" should be likely --gears (17) and deflection rolls (16)--.

Claim 26, "the drive motor" should be likely --a drive motor--; and "the continuous elements (11)" should be likely --the continuous elements (15)--.

Claim 27, line 2, "pivotally" should be likely --rotatably--; "the drive shaft" should be likely --a drive shaft--; and "two continuous elements" should be likely --continuous elements--.

Appropriate correction is required.

Drawings

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the tooth belt (12) in claims 20 and 25 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 16, 21, 22 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The terms "especially" and "preferably" in claims 16, 21 and 25 are relative terms which render the claims indefinite. The terms "especially" and "preferably" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 15-19 and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergfelt et al. (4,221,150), hereinafter Bergfelt, in view of Klages et al. (1,852,310), hereinafter Klages, and Meuret (FR 2,545,815).

Regarding claim 15, Bergfelt teaches a glass cutting table with a top (12) which is used as a support for the glass plate to be divided, with a base frame (10), with a cutting bridge (22) which can be moved along the top (12), and with a cutting head (24) which can be moved on the cutting bridge (22), the cutting bridge (22) being guided on guides (48 and 84), and continuous conveyor elements (38 and 88) for moving the cutting bridge (22) along the top (12) being assigned to the ends of the cutting bridge (22), characterized in that the top (12) which is used as a support is mounted on the base frame (10), that the guides (48 and 84) and the continuous conveyor elements (38 and 88) are mounted on the base frame (10) independently of the top (12). See Figs. 1-3.

Bergfelt does not teach the guides (48 and 84) and the conveyor elements being located underneath the top (12).

Klages teaches guides (3) for guiding a cutting bridge 4 and the conveyor elements (6) being located underneath a top (2). See Fig. 1.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide the guides and the conveyor elements in the glass cutting

table of Bergfelt underneath the top as taught by Klages so that the width of the glass cutting table can be reduced while the supporting area of the top is unchanged for using the glass cutting table in a small warehouse.

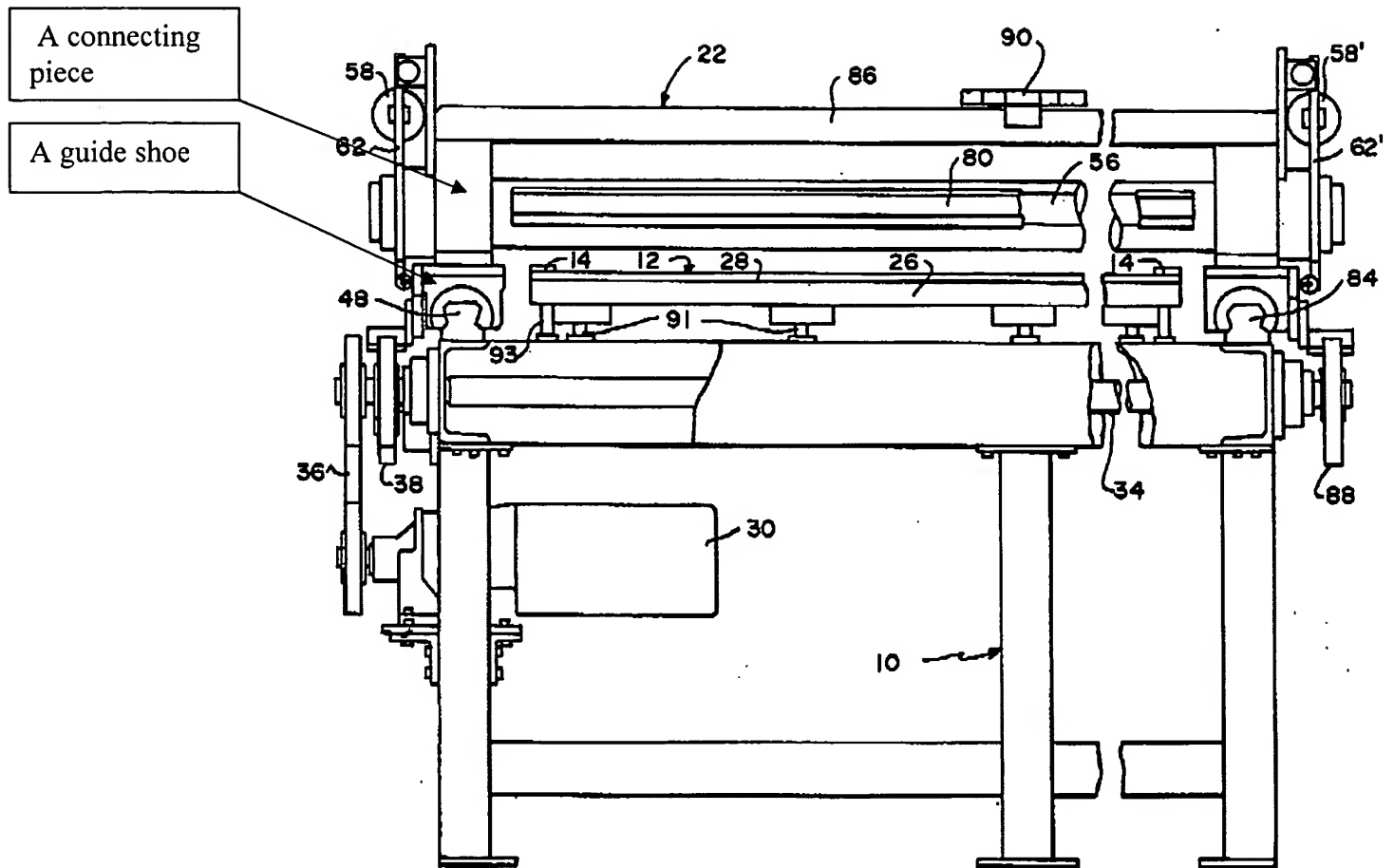
Bergfelt does not teach the top (12) being able to be folded up and the cutting bridge (22) being able to move into a position outside of the top (3).

Meuret teaches a top (7) of a glass cutting table being able to be folded up and a cutting bridge (19) being able to move into a position outside of the top (7). See Figs. 1-2.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to make the top of the glass cutting table of Bergfelt foldable as taught by Meuret so that an operator can pivot the top to load a glass panel onto the top or to unload a glass panel out of the top.

Regarding claim 16, Klages teaches that as the guides (3) are provided underneath the top (2), the guides (3) are offset to the outside edges of the top (2) as shown in Fig. 1. Therefore, when one skilled in the art to modify the glass cutting table of Bergfelt by providing the guides (48 and 84 in Bergfelt) underneath the top (12 in Bergfelt) as discussed in claim 15, the guides (48 and 84) in Bergfelt are offset to the outside edges of the top (12 in Bergfelt).

Regarding claim 17, Bergfelt teaches the cutting bridge (22) being connect to guide shoes by connecting pieces. See Fig. 4.



Bergfelt does not teach the connecting pieces being pointed obliquely inside of the top (12).

Klages teaches providing a connecting piece 63 being pointed obliquely inside of a top 2 to increase the supporting area of the top. See Fig. 4.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the connecting piece in Bergfelt by replacing the Bergfelt's connecting pieces with the Klages' ones to increase the supporting area of the top.

Regarding claim 18, a motor 30 is best seen in Fig. 4 in Bergfelt.

Regarding claim 19, a shaft 34 assigned to the two continuous conveyor elements is best seen in Fig. 4 in Bergfelt.

Regarding claim 21, as the glass cutting table of Bergfelt is modified by the teaching of Meuret, the top comprising a small section 40 and a large pivotable section 7 is best seen in Figs. 1-2 in Meuret.

Regarding claim 22, the pivoting direction of the large pivotable section 7 is best seen in Figs. 1-2 in Meuret.

Regarding claims 23 and 24, the orientation of the guide rails (48 and 84) is best seen in Figs. 1 and 4 in Bergfelt.

Regarding claim 25, a drive roll 32 and a deflection roll 40 are best seen in Fig. 2 in Bergfelt.

Regarding claim 26, the motor 30 being mounted on the base frame 10 is best seen in Fig. 4 in Bergfelt.

Regarding claim 27, the drive shaft 34 rotatably supported on the base frame 10 is best seen in Fig. 4

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bergfelt et al. (4,221,150), hereinafter Bergfelt, in view of Klages et al. (1,852,310), hereinafter Klages, and Meuret (FR 2,545,815) as applied to claims 15-19 above, and further in view of Applicant's admitted prior art, hereinafter AAPA.

The modified glass cutting table of Bergfelt teaches using toothed gears and chains to drive the cutting bridge. Bergfelt does not teach the use of toothed belts and gears meshing with the tooth belts.

AAPA teaches the use of toothed belts and gears meshing with the tooth belts for driving a cutting bridge being well known in the art. See page 2 of the Substitute Specification.

Since the tooth belts and the chains are well known in the art for driving cutting bridges, they are art equivalents being used for driving cutting bridges.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to use toothed belts and gears meshing with the tooth belts for driving the cutting bridge as taught by AAPA since it has been held that substituting equivalents known for the same purpose is obvious to one skilled in the art. See MPEP. 2144.06.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Buckner, Bando, Bonacci, Lisec and Pavone et al. teach cutting tables of general interest.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phong H. Nguyen whose telephone number is 571-272-4510. The examiner can normally be reached on Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PN:



December 13, 2007



KENNETH E. PETERSON
PRIMARY EXAMINER